

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION**

Cincinnati Insurance Company,	)	
	)	
Plaintiff,	)	Case No. 4:09-cv-01379-TLW-TER
	)	
v.	)	
	)	
Crossmann Communities of North	)	
Carolina, Inc.; Crossmann	)	
Communities, Inc.; Beazer Homes	)	
Investment Corporation; and True	)	
Blue Golf & Racquet Resort	)	
Homeowners' Association, Inc.,	)	
	)	
Defendants.	)	
	)	
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Crossmann Communities of North	)	
Carolina, Inc., Crossmann	)	
Communities, Inc., and Beazer	)	
Homes Investment Corporation,	)	
	)	
Third-Party Plaintiffs,	)	
	)	
v.	)	
	)	
Harleysville Mutual Insurance	)	
Company,	)	
	)	
Third-Party Defendant.	)	
	)	
<hr style="width: 30%; margin-left: 0;"/>	)	
Harleysville Mutual Insurance	)	
Company,	)	
	)	
Fourth-Party Plaintiff,	)	
	)	
v.	)	
	)	
Indiana Insurance Company,	)	
Massachusetts Bay Insurance	)	
Company, Regent Insurance	)	
Company, Illinois Union Insurance	)	
Company, Liberty Mutual Insurance	)	

Company, Zurich American )  
 Insurance Company, )  
 )  
 Fourth-Party Defendants. )  
 \_\_\_\_\_ )

## ORDER

Currently before this Court is the “Motion to Dismiss Third-Party Plaintiff Harleysville Mutual Insurance Company’s Fourth-Party Complaint or, in the Alternative, Motion for Summary Judgment,” filed by Fourth-Party Defendant Massachusetts Bay Insurance Company and the “Fourth Party Defendant Indiana Insurance Company’s Motion to Dismiss and for Summary Judgment.” (Docs. # 67 and 78). The South Carolina Supreme Court has issued an Opinion in a related matter concerning parties currently before this Court. Crossman Communities of North Carolina, Inc. v. Harleysville Mut. Ins. Co., --- S.E.2d ----, 2011 WL 93716 (S.C. January 7, 2011). In light of this Opinion, this Court moots the pending motions, (Docs. # 67 and 78), with the parties having a right to re-file, if they so choose, after the South Carolina Supreme Court issues a decision regarding any pending motions to reconsider its decision in the above-cited case.

**IT IS SO ORDERED.**

s/Terry L. Wooten  
 United States District Judge

March 25, 2011  
 Florence, South Carolina